



Federal Communications Commission
Washington, D.C. 20554

October 31, 2011

Mr. Ronald J. Bruno
President
Bruno Goodworth Network, Inc.
975 Greentree Road
Pittsburgh, PA 15220

Re: WWKH-CA
Uniontown, PA
Applications for Minor Change
File No. BDISDTA20100125AAG and
BDISDTA-20090713ADM
Fac. Id. 68409

Dear Station:

This concerns the above-referenced applications of Bruno Goodworth Network, Inc. (Bruno) for minor change for WWKH-CA, Uniontown, Pennsylvania. On April 12, 2010, the Video Division of the Media Bureau dismissed the 2009 displacement application (BDISDTA-20090713ADM) and proposed to grant the 2010 displacement application (BDISDTA-20100125AAG). On May 17, 2010, WPXI, Inc. (WPXI), the licensee of full power television station WPXI, channel 23, Uniontown, Pennsylvania, filed a petition for reconsideration of those actions.¹ Also before us is WPXI's self-styled "petition to deny" Bruno's 2010 displacement application.² For the reasons set forth below, we deny WPXI's petition for reconsideration and petition to deny and grant Bruno's 2010 displacement application.

Bruno initially filed the above-referenced 2009 displacement application for WWKH-CA specifying channel 30. Bruno states that it discovered that a channel 30 facility would cause interference to an earlier-filed application filed by full power television station KDKA-TV, Morgantown, West Virginia, for a digital replacement translator. Since KDKA-TV's earlier-filed replacement translator application had priority over Bruno's channel 30 displacement application, Bruno requested that the channel 30 application be dismissed and it filed the above-referenced 2010 displacement application, this time specifying channel 47.

WPXI alleges that Bruno violated the Commission's "inconsistent application rule," Section 73.3518, by filing an application that conflicted with an earlier filed application. WPXI requests that the staff dismiss the 2010 displacement application for channel 47 and reinstate Bruno's earlier-filed displacement application for channel 30. WPXI also alleges that the channel 47 facilities proposed in Bruno's 2010 minor change application would cause impermissible interference to both WPXI's full power operation and WPXI's authorized replacement translator on channel 23.

After discovering a conflict with the KDKA-TV replacement translator application, Bruno filed its 2010 displacement application on January 25, 2010, and shortly thereafter, on March 27, 2010, requested that its channel 30 displacement application be dismissed. While both applications remained

¹ Also before us are Bruno's Opposition, filed May 20, 2010, and WPXI's Reply filed June 14, 2010.

² The Commission's Rules do not provide for the filing of a "petition to deny" a minor change application. *See* 47 C.F.R. § 73.3584. We shall, instead, treat WPXI's pleading as an Informal Objection. *See* 47 C.F.R. § 73.3587. Also before us is Bruno's Opposition, filed June 11, 2010.

pending for a short period of time, Bruno explains that this was because it was attempting to prepare and file displacement applications for a number of other stations. Therefore, under these circumstances, we do not find that Bruno violated the inconsistent application rule when it submitted its channel 47 displacement application. Furthermore, we find that the facilities proposed in Bruno's 2010 displacement application would not cause interference to either WPXI's full power operation or its replacement translator on channel 23.³ If any actual interference were to occur to either of these facilities, Bruno would be required to remedy it.

Accordingly, IT IS ORDERED, That the petition for reconsideration and petition to deny of WPXI, Inc. ARE DENIED.

IT IS FURTHER ORDERED, That the application (File No. BDISDTA-20100125AAG) of Bruno Goodworth Network, Inc. for WWKH-CA, Uniontown, Pennsylvania IS GRANTED.

Sincerely,

Hossein Hashemzadeh
Deputy Chief, Video Division
Media Bureau

cc: Benjamin Perez, Esq. – Counsel for Bruno Goodworth Network, Inc.
Scott S. Patrick, Esq. – Counsel for WPXI, Inc.

³ See File No. BLCDT-20100429ADA.